

Akaka bill waiting for breathing room

Senator optimistic about its chances, but national issues are taking precedence now

March 16, 2009

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WASHINGTON — The Hawai'i congressional delegation faces a conundrum as it seeks to pass long-awaited legislation that would create a process for Native Hawaiian self-governance.

Congress and the White House have never been more receptive to the idea.

But at the same time, lawmakers and President Obama are preoccupied with a raft of high-priority national issues from war to the failing economy and from healthcare reform to the budget.

Democratic Sen. Daniel Akaka, author of the legislation, widely known as the Akaka bill, said he is looking for the right window of opportunity to move it through the Senate, which can be a cumbersome process.

"I'm very optimistic about its chances now because of the support from President Obama," Akaka said in an interview Friday. "I'm trying to move it as soon I can — maybe when we get a little stability."

best chances yet

Supporters might have their best chance of passing the bill in this Congress because Democrats have increased their majorities in both the House and Senate, and Obama committed during his presidential campaign to signing it.

The Justice Department under President Bush opposed the legislation, claiming it created a racial preference.

As a senator, Obama, who was born in Hawai'i and graduated from Punahou School, voted in 2006 to bring the bill up for a debate and vote. But it narrowly failed to get the 60 votes it needed to clear a procedural hurdle often used in the Senate, and it languished.

At a recent press briefing, Obama said, "If Danny gets me a bill, I'll sign it."

But he added that for now, the Native Hawaiian bill is far from a priority, underscoring the challenge the Hawai'i delegation faces.

"Now, I won't lie to my former neighbors and friends — with an economy in free-fall, two wars going on, housing foreclosures at record levels — I have not spent a lot of time in these first few weeks focused on that bill," Obama said.

The bill would create a process for reorganizing a Native Hawaiian government, including the election of an interim governing council.

Once the government receives federal recognition, negotiations could take place on the disposition of Native Hawaiian land, natural resources and other assets.

The legislation comes up as the Supreme Court is weighing a case involving attempts by the Office of Hawaiian Affairs to block the state from selling some of the so-called ceded lands set aside for public benefit, including for the Hawaiian people.

It's not yet clear how that case, to be ruled on by early summer, could affect the Native Hawaiian legislation.

process just begun

So far, the legislation is still at the starting blocks. Native Hawaiian bills have been introduced in both the House and the Senate, but they have yet to move through any of the vetting committees.

The House has passed similar legislation twice since 2000 when it was first written, with little opposition.

"We have no reason to believe it won't pass again," said Dave Helfert, spokesman for Rep. Neil Abercrombie, who has led the effort to pass the bill in the House.

Like Akaka, Abercrombie is waiting for breathing space in the legislative schedule before moving on the legislation.

"It's all about timing now," Helfert said.

Akaka said the Senate bill has sufficient support in the Indian Affairs Committee, which must clear the bill for it to get a full Senate vote.

Senate passage is not assured. But Democrats picked up a handful of Senate seats in 2008, giving them 56, along with two independents who consistently vote with them. Several Republicans have voted in favor of the legislation in the past, so it appears Akaka may get the 60 votes he'll need when the time comes.

Native Hawaiian bills have gone through several incarnations over the years.

But the latest Senate and House versions resemble their original 2000 form, with some provisions inserted to win Republican support several years ago removed.

For example, the latest bills no longer contain a prohibition against Native Hawaiians bringing land claims against the United States.

Another provision barring any Native Hawaiian government from authorizing gambling also has been dropped.